

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SAMUEL LEWIS TAYLOR, Reg. No. 166914,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4060-CV-C-SOW
)	
ROBYN COMBS, et al.,)	
)	
Defendants.)	

ORDER

On January 9, 2008, United States Magistrate Judge William A. Knox recommended that the motion of defendant Pamela Swartz to dismiss plaintiff's claims against her be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by defendant Swartz on January 31, 2008. The issues raised in defendant's exceptions were adequately addressed in the report and recommendation. While recognizing that the medical treatment of which plaintiff complains occurred in 2003, and the grievance, JCCC 04-806, regarding these claims was not submitted until June 8, 2005, this court is unable to say, based on the documents presented, that plaintiff has not exhausted his administrative remedies on these claims. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

On January 29, 2008, defendant Swartz filed a motion for an extension of time in which to file her exceptions to the report and recommendation. Upon consideration, it is

ORDERED that defendant Swartz is granted leave to file out-of-time her exceptions to the January 9, 2008 report and recommendation. [36] It is further

ORDERED that the Report and Recommendation of January 9, 2008, is adopted. [33] It is further

ORDERED that the motion of defendant Pamela Swartz to dismiss plaintiff's claims is denied. [18] .

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: February 12, 2008